

# The Sun.

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## The Next Step of Executive En- croachment.

Twenty-six national and sectional business organizations of importance, such, for example, as the Millers' National Association, the National Retail Grocers' Association, the National Grange of Patrons of Husbandry, and the North-western Manufacturers' Association, are represented as actively interested in a movement to secure legislation by Congress amending the Interstate Commerce Act.

About one hundred and forty State and local organizations, including boards of trade, chambers of commerce, merchants' exchanges and commercial clubs and associations, are represented as engaged in the same movement. They hail from thirty States and range in magnitude from the Merchants' Association and the Produce Exchange of this town and the Board of Trade of Philadelphia to the Dairy Board of Muscoda, Wisconsin.

Eight States, namely, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, South Dakota and Wisconsin, are reported as having memorialized Congress, by formal action of their respective Legislatures, for an amendment of the Federal law similar in character to that said to be demanded by the various business organizations to which we have referred.

What is the new legislation so widely desired?

The project of amendment has been submitted to the present House of Representatives in what is known as the Cooper bill, and in the Senate as an identical measure introduced by Senator CHARLES.

These bills confer distinctly upon the Interstate Commerce Commission a power denied to the commission by a decision of the Supreme Court under the present law, namely, the power to fix rates for the transportation of persons and property in interstate commerce, in cases where existing rates are complained of as unjustly discriminatory or unreasonable; this power to be exercised not upon the order of the courts, but upon the commission's own initiative, subject to review on appeal and holding good until set aside by the courts.

It will be observed that the change proposed makes the Interstate Commerce Commission not the mere agent of a judicial order, but in fact itself a lower court, subject, of course, like all lower courts, to the correction of its decrees by the superior tribunals. It likewise practically shifts the burden of proof from the complainant to the corporation accused of unreasonable or unjustly discriminatory rates; for it provides that the orders of the Interstate Commerce Commission changing and fixing rates shall continue in force until suspended or set aside by the real courts to which appeal is made by the carriers.

Thus it reverses the present operation of the Interstate Commerce law.

The proposed amendment and the consequent extension of the power of the quasi-judicial body outside of the established judiciary are likely to be studied closely in Washington, unless, indeed, all questions of executive encroachment on the functions of the Judicial Department have ceased to be of interest. This bill, apart from its immediate bearing on the convenience and the efficiency of the administration of the Interstate Commerce law, is of far-reaching importance and significance. Its enactment would be a long step in the way of government by commission and the regulation of prices by central authority.

"Who," inquired the Hon. PHILANDER C. KNOX of the Pittsburgh Chamber of Commerce, on Oct. 14, 1902, "shall set limits now, in advance of a carefully framed and judicially tested law, to the competence of Congress to regulate commerce in exercise of the legislative wisdom and in the wise discretion confided to it? Who shall say the power of Congress does not extend so far?"

We notice among the names of the bodies said to be supporting the Cooper-Quarles amendment of the Pittsburgh Chamber of Commerce, to which the Attorney-General addressed that memorable question a little more than one year ago.

## Mr. Chamberlain Seems to Be Win- ning.

It would not be easy to exaggerate the significance of the success of two earnest advocates of Mr. CHAMBERLAIN'S preferential tariff at the by-elections held on Tuesday, Dec. 15, in the London suburban divisions of Dulwich and Lewisham. We should not be surprised if Mr. BALFOUR should see in their success a proof that he may with safety dissolve Parliament at an early date and appeal to the British people on the issue framed by the ex-Secretary of the Colonies.

The Free-Food Unionists have themselves to blame for permitting Mr. CHAMBERLAIN'S friends to draw the conclusion from these by-elections. Dulwich and Lewisham are Conservative strongholds which under ordinary circumstances Liberal candidates could not have hoped to carry. In 1895 the Conservative nominees were not even opposed. In the present contests, moreover, local issues were involved, and no definite deduction with reference to a preferential tariff need have been drawn from the result had the Free-Food Union-

ists remained quiescent. Unfortunately for their cause, the Duke of DEVONSHIRE, Mr. C. T. RITCHIE and Lord GOSCHEN (the two last named have both been Unionist Chancellors of the Exchequer), Lord BALFOUR of BURLEIGH, lately Secretary of State for Scotland, and Lord GEORGE HAMILTON, who recently resigned the post of Secretary for India, came forward at a late stage of the canvass, and advised all Liberal-Unionist electors to vote against the candidates who favored a duty upon wheat and flour.

From a tactical viewpoint, the move should have been made much earlier, if made at all. As it is, the utter futility of the repositioning of their leaders has profoundly discouraged the Free-Food Unionists. This is evident from the tone of the Liberal newspapers. The *Chronicle*, for instance, which has been disposed to make light of Mr. CHAMBERLAIN'S revolutionary project, now concedes that he is a power in the country, the magnitude of which it would be a serious blunder to underestimate. The *Daily News* acknowledges that the outcome of these local contests, to which a national importance was given by the eleventh-hour intervention of the Free-Food leaders, may well embolden the Government to proceed without further delay to elicit the views of the people by a general election. Shrewd observers give much weight to the fact that the former Conservative majority was less reduced in Lewisham, which is largely inhabited by workmen, than it was in Dulwich, which is mainly tenanted by city clerks. It seems a fair inference that the working classes in Great Britain are not frightened by the assertion that the adoption of Mr. CHAMBERLAIN'S plan would increase the price of a loaf of bread.

Now that it seems possible, if not probable, that the United Kingdom will enact a tariff that will give its colonies a preference, the prospective effect of the innovation on our own national interests will soon be brought home to American producers of wheat and flour.

As pointed out some months ago, it is not quite true to say that we, having long been protectionists, cannot, with any show of consistency, object to the adoption of protectionist principles by the British Empire. We should not dream of objecting to the acceptance of protectionist principles by the British Parliament. What we do object to, and with good reason, is the enactment of a tariff that singles out the United States for hostile discrimination. The practical, the inevitable, nay, the avowed outcome of Mr. CHAMBERLAIN'S plan, should it be embodied in law, would be the advancement of Canada at the expense of the United States.

We are now the principal purveyors of wheat and flour to the British people. It is Mr. CHAMBERLAIN'S aim to transfer England's imports of those indispensable commodities from the United States to Canada. He desires, in other words, to leave on the hands of our farmers that large fraction of our wheat crop which at present Great Britain consumes. This purpose he means to carry out by allowing the Canadian producer to deliver his grain at Great Britain duty free, while a duty, at the start considerable, and certain to increase, is imposed upon his American competitor.

Now, as Mr. CARNEGIE has pointed out in a letter to the *London Times*, this is not the first occasion on which England has tried to give Canada a preference over the United States. The attempt was made in the first quarter of the last century, and was related by levying countervailing taxes on British ships in our ports. A tariff was ensued, with the result that Mr. HENKISSON, who only a year before had denounced as "an unheard-of pretension" our demand that American commodities should enter Britain's ports on equal terms with those of her colonies, acknowledged that his country could no longer continue a preferential policy without disaster to her commercial interests.

## A New York Dinner and Some Chi- cago Funerals.

The New York City Federation has to walk warily to carry out its excellent intentions. Its dinner in this town on Saturday night in honor of the executive committee of the National Civic Federation came near being wrecked by a strike. After the waiters' unions had composed their troubles, and some two hundred "representatives of capital and labor" had found in food and drink a harmonious platform, Mr. CHARLES L. EDLITZ, president of the New York Building Trades Employers' Association, almost broke the good meeting with his most admired disorder. He expressed these old foggy notions about personal freedom and the rights of the individual:

"We have made certain agreements with the unions. We believe we will carry them out and that the unions will make an earnest effort to do the same, but what I want to say is that I believe the whole structure on which our agreement has been based is wrong. I don't believe we have any more right to ask a man if he is a member of No. 1,000, A. F. of L., before we give him a job than we have to inquire whether he is a Catholic or Protestant, a Mason or a Knight of Columbus."

"I don't believe that when a man comes into my office looking for work who is an American, capable and willing to work, it is any more of my business to ask him the questions my agreement makes me ask him to-day than it is my business to analyze the Constitution of the United States."

"There are only three questions to be considered in hiring a man to my mind, and those are: First, whether he wants to work; second, whether he has the ability, and, third, whether you want to hire him."

If he had contented himself with the utterance of these obsolete heresies, he might have been heard with tolerant or contemptuous silence by the representatives of labor. He was indiscreet enough to go farther, and to assert his disbelief "that Mr. GOMPERS there, or Mr. MITCHELL, or anybody, down in his heart disagrees with me," and he ended with this outrageous attack on a sacred institution:

"I believe in organized labor, but I say when organized labor interferes with the rights of a free white man over 21 who lives in this country, something must be done, and I hope the Civic Federation is going to do it."

The Hon. JOHN MITCHELL, President of the United Mine Workers of America, and consulting statesman to the White House, leaped to his feet and made an-

unnecessary but warm denial of Mr. EDLITZ'S analysis of the bottom of the hearts of Mr. MITCHELL and Mr. GOMPERS:

"I deny him the right to impugn the honesty of Mr. GOMPERS or myself. When he says that we do not advocate, he says what is not true. 'If I held those opinions and I were in his place I would not sign an agreement to make a union test, to ask a man to show a union card; I would have the courage of my convictions under all circumstances and at any cost.'"

Of course, these distinguished presidents of labor don't believe that any man who doesn't belong to a labor union has a right to work. Mr. MITCHELL properly refused to discuss "the merits or demerits of the open shop" at that dinner table. At the proper time and place, labor unions are "ready to meet that issue, and we will not meet it by other means than our ability to defend it by argument or logic."

That same Saturday the union of delivery drivers was arguing in Chicago. They are on strike and carrying out the principles in which Mr. MITCHELL and Mr. GOMPERS sincerely believe. Enforcing their monopoly, these drivers not only prevented liveable teams and private ambulances from going out, but declined to permit hearses. They tried to assault an undertaker at a funeral and on his way from a funeral. They rioted in the shadow of a church. Policemen with clubs acted as pallbearers. The sick could not be moved to the hospitals. The dead were carried to their graves amid hoots and groans. One man sat, armed, by the driver's side on the seat of an undertaker's wagon, and so took his wife's body to the cemetery. A child's body was taken to the burying ground in a street car. The pickets of the union were stationed at the house while the funeral was in progress.

In short, the arguments and the logic of the union were severe and effective. If a man has no right to work without the consent of the union, he has no right to be carried to the grave without the consent of the union or in non-union vehicles. The open grave is as forbidden as the open shop, and the indignation which seems to seethe in some illogical persons, probably with "capitalistic" sympathies, at the thoroughness of the Chicago proceedings, is out of place. Those drivers have the courage of their convictions under any circumstances and at every cost to the inferior, unorganized and outworn part of the community.

It is unfortunate that the glorious victory in Chicago was not known, or at least not mentioned, at the New York dinner. It would have inspired new enthusiasm in the bosoms of some of those who were present.

## A Roman Catholic Priest on the Church Attendance Census.

TO THE EDITOR OF THE SUN.—Sir: It is good to see with what keenness of observation you show up the misleading character of the "church attendance" figures of the Standard News Association. However, the Standard News Association is not the only one of its kind.

A great deal more can be done than is done to make the Catholic churches attractive in order to draw the people by well prepared short discourses by carrying out the law of the Church in regard to preaching, by saying a little about money, or at least saying it in a less offensive manner, and by making the Gospel in short, giving to the people a larger measure of spiritual pabulum.

Still another measure may be adopted, the method of Mr. Olier adopted with much success in the large parish of St. Sulpice in Paris. When the priest divides his parish into districts, and one of the curates can be assigned to each district and it can be made his duty to look after the people of that district.

Of course, the mass itself is the great magnet that draws the people to the Catholic churches. In the mass the Real Presence of our Lord, and any one who has a bit of faith will be glad to go to church on Sunday to get the blessing of God from the altar. This mass program has been pulverized but a hundred times over by the Standard News Association.

As to the published statistics they are misleading. The committee, with the solemnity and seriousness befitting the representation of one of the great parties, took four ballots before determining the time of holding the next convention, and finally fixed on June 29, a week later than the Republican convention. It chose as the convention city Kansas City, Mo., thus going, for the first time in the history of Prohibition politics, west of the Mississippi River.

The first Prohibition national convention met in 1872 in Columbus, Ohio, the next one in Cleveland, that of 1880 in Cleveland again, that of 1884 in Pittsburgh, that of 1888 in Indianapolis, that of 1892 in Cincinnati, that of 1896 in Pittsburgh, and that of 1900 in Chicago. Practically, therefore, all Prohibition conventions since the formal organization of the party thirty years ago have been held in the territory between Chicago and Pittsburgh; and the Prohibitionists have sought their recruits most successfully in the Middle West. With the decline of the Prohibition party, however, there has been a recognition of the fact that the East and Middle West are no longer favorable territory.

In New York State the Prohibition party has ceased to be much of a factor. In the South prohibitory legislation has been secured without the cooperation, and indeed, in some cases, against the protest of the most active Prohibitionists. In New England the Prohibition party is not in very good shape. The selection of Kansas City as the place of holding the next national convention is a tacit acknowledgment by the Prohibitionists of conditions which, for the first time, impel them to meet in a State strongly Democratic.

## Dixon's Wire Fence.

The Hon. JOSEPH MOORE DIXON, the Montana delegation in the House of Representatives, has put his name higher than that of the builders of the Chinese Wall. He has built on paper an anti-Chinese, anti-smuggling, anti-Indian fence. His joint resolution directs the Secretary of Commerce and Labor to "inquire into the cost and feasibility of constructing a wire fence along the Canadian boundary between Lake of the Woods and Point Roberts."

The resolution recites the violation of the immigration, Chinese Exclusion and Revenue laws on the northern boundary of the United States, and the harrowing of American citizens living near that line by the incursions of Cree and other Canadian aborigines. Wherefore Mr. CORTELYOU is instructed to find out and report if these illegal practices can be prevented "by means of a wire fence along the line dividing the United States from the British possessions between the Lake of the Woods and Point Roberts, such fence to be equipped with telegraph, telephone or other electric apparatus to convey warnings to inspectors and other officers charged with the execution of the laws mentioned."

A wire fence might be fatal to Mongolian blouses and trousers and arrest the progress of heavily laden smugglers. To bar the copper colored immigrant live wires might be needed; but Mr. DIXON is too humane to recommend such fortification. His interesting resolution needs at least one amendment.

The wire fence must not consist of "trust made" wire.

A member of the Musical Union said in the *Sun* yesterday that composers are to be unionized next winter and soloists the winter after that. The high and highly-salaried gods and goddesses of music will have to wear a button. "Union players shall not play for non-union soloists." Presumably, the next winter, the soloists will be obeyed, while the "Union players or soloists shall not play or sing for non-union audiences."

Mr. JOHN SHARP WILLIAMS, who writes loving poetry in the *House of Representatives*, introduced a bill to repeal the duty on hides, leather and the manufactures thereof, imported into this country from countries not collecting a duty on similar articles exported by this country. In order that there can be no doubt about the purpose of the bill, he describes his measure as a bill to reduce taxation on American citizens who use hides, leather, boots, shoes, saddles and harness, which is certainly more entertaining than "a bill to admit hides and leather free of duty."

The Elkins Law and the Mergers Case. TO THE EDITOR OF THE SUN.—Sir: I notice in your issue of the 19th inst. that the Interstate Commerce Commission speaks favorably of the Elkins law, which compels railroads to publish a tariff of rates and to enforce the same without discrimination or change of price to suit the whims of individual shippers. This is a commendable step towards the elimination of the tariff of rates and towards the securing of equal treatment for all shippers. The competition would be in when the rates of the different railroads would be published and the rates would naturally be cut to secure it.

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